

**Remarks**

Claims 1-8 were pending and examined in the Office Action that was mailed May 1, 2007. Claims 1-6 are rejected. Claim 1 has been amended. No new matter has been entered by these amendments.

Applicant thanks Examiner for indicating allowability of claims 7-8. Each of the objections and rejections raised in the Office Action is addressed below.

**Oath/Declaration**

Examiner states that the oath or declaration submitted on February 2, 2007 is defective. A new oath or declaration in compliance with 37 C.F.R. § 1.67(a) stating that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to the patentability as defined in 37 C.F.R. § 1.56 is submitted herewith.

**Claim Rejections under 35 U.S.C. § 102 and 103**

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Carter (2004/017362, September 9, 2004).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter in view of Hilverdink (4,784,181).

Claims 1-4 are rejected under U.S.C. § 103(a) as being unpatentable over Hilverdink in view of Carter.

Claims 4 and 5 are rejected under U.S.C. § 103(a) as being unpatentable over Lombardi et al. (6,263,247) in view of Carter.

Claim 6 is rejected under U.S.C. § 103(a) as being unpatentable over Lombardi as modified by Carter in view of Stilwell (3,247,999).

Applicant submitted a Declaration under 37 C.F.R. § 1.131 by the inventor of the present application, Robert Lombardi on February 2, 2007. Mr. Lombardi submitted that prior to March 5, 2003 (the earliest priority date of Carter), he conceived of the invention disclosed and claimed in the present application. Thereafter, and also prior to March 5, 2003, he reduced the invention to practice. As such, Applicant respectfully submits that Carter is not a proper 102(e) or 103(a) reference, and requests that these rejections be withdrawn.

Applicant thanks the Examiner for a telephone interview with the undersigned and Mr. Sam Pasternack on June 12, 2007. As discussed during the interview and as reiterated in the Examiner's interview summary mailed on June 20, 2007, the currently pending claims of Carter reveal that Carter and the pending application do not claim the same invention. Therefore, Examiner indicated that the inventor's Declaration filed under 37 C.F.R. § 1.131 on February 2, 2007, is effective in removing Carter as a prior art reference.

#### Provisional Double Patenting Rejection

Claims 1-6 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 17 of co-pending Application No. 11/248,537 alone or in view of Hilverdink. Enclosed herewith is a Terminal Disclaimer for the present application to overcome the provisional non-statutory obviousness-type double patenting rejection over co-pending Application No. 11/248,537.

#### Art Currently Not of Record

During the June 12, 2007 interview, the Examiner stated that U.S. Patent Nos. 3,847,182 to Greer and 6,401,966 to Tsai are additional patents not of record but that might be pertinent to the pending application. Applicant respectfully disagrees that these references are material to the patentability of the presently amended claims.

Greer is directed towards a hydro-pneumatic flexible bladder accumulator, wherein liquid enters and fills the *liquid chamber* (as defined by a flexible separator) via the liquid opening. See Figure 1 of Greer. Tsai is directed towards a plastic pressure vessel, wherein liquid enters and fills the *upper liquid chamber* (as defined by a diaphragm) via the water inlet. See Figure 3 of Tsai. Neither Greer nor Tsai disclose, teach or suggest a *bladder* for receiving and storing a fluid in an expansion tank. Furthermore, neither Greer nor Tsai disclose, teach or suggest said bladder comprising a flexible diaphragm and a non-flexible diaphragm constructed to receive a flow-through connector, wherein the non-flexible diaphragm and flow-through connector at least partially define a path for fluid to flow into the bladder from the outside of the tank so that as the bladder receives fluid, the space within the bladder remains fluidically isolated from a space between the bladder and an outer shell of the expansion tank. Compare Figure 1 of Greer and Figure 3 of Tsai with Figure 3 of the present application.

AUG. 31. 2007 4:32PM

CHOATE HALL & STEWART 6172484000

NO. 834 P. 8  
RECEIVED  
CENTRAL FAX CENTER

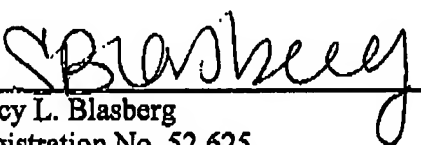
AUG 31 2007

Applicant therefore respectfully submits that neither Greer nor Tsai disclose, teach or suggest the invention as claimed in the present application.

**Conclusion**

Based on the arguments presented above, it is submitted that the pending claims, are allowable over the art of record. Applicant respectfully requests favorable action. Please charge any fees as may be required, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

  
Stacy L. Blasberg  
Registration No. 52,625

PATENT GROUP  
CHOATE, HALL & STEWART  
Two International Place  
Boston, MA 02110  
(617) 248-5000

Dated: August 31, 2007

4237160v1